

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

DEC 21 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

DOUG SMITH; et al.,

Plaintiffs-Appellants,

v.

ANNE HELZER, in her official capacity as
chair of the Alaska Public Offices
Commission; et al.,

Defendants-Appellees,

ALASKANS FOR BETTER ELECTIONS,
INC.,

Intervenor-Defendant-
Appellee.

No. 22-35612

D.C. No. 3:22-cv-00077-SLG
District of Alaska,
Anchorage

ORDER

The parties are ordered to file simultaneous supplemental briefs addressing:

1. Whether completion of the 2022 election cycle has any effect on this appeal from the denial of a preliminary injunction.

2. Whether this appeal is moot, and if so, whether any exception to the mootness doctrine applies.

3. Whether this court should reach the irreparable harm inquiry under *Winters v. Natural Resources Defense Council, Inc.*, where the district court did not reach this issue, and if so, whether appellants can demonstrate that they are “likely to suffer irreparable harm in the absence of preliminary relief” where the only harm

they identified relates to enforcement of Ballot Measure 2 in advance of the 2022 election. 555 U.S. 7, 20 (2008).

The parties' simultaneous briefings shall be due within 30 days from the date of this order and shall not exceed 5,000 words.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Allison Fung
Deputy Clerk
Ninth Circuit Rule 27-7